

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JERED OSTRANDER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JASON OSTRANDER,

Respondent-Appellant,

and

AMANDA REDMAN,

Respondent.

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In the Matter of JERED OSTRANDER, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMANDA REDMAN,

Respondent-Appellant,

and

JASON OSTRANDER,

Respondent.

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UNPUBLISHED

March 16, 2004

No. 247661

Jackson Circuit Court

Family Division

LC No. 01-004458-NA

No. 247665

Jackson Circuit Court

Family Division

LC No. 01-004458-NA

In the Matter of TESSA REDMAN, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMANDA REDMAN,

Respondent-Appellant,

and

TERRELL FUNG,

Respondent.

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No. 249288  
Jackson Circuit Court  
Family Division  
LC No. 01-004458-NA

Before: Jansen, P.J., and Markey and Gage, JJ.

PER CURIAM.

These consolidated appeals involve two minor children. In Docket No. 247661, respondent Jason Ostrander appeals as of right from the trial court order terminating his parental rights to Jered under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). In Docket No. 247665, respondent Amanda Redman appeals as of right from the same order terminating her parental rights to Jered under § 19b(3)(c)(i), (g), and (j). In Docket No. 249288, respondent Amanda Redman appeals as of right from a later order terminating her parental rights to Tessa under § 19b(3)(i), (j), and (l). We affirm.

The matter initially came to the attention of the court when Jered was three years old and Tessa had not been born. While in respondent Redman's care, Jered had become morbidly obese. In May 2001, two months before his third birthday, Jered weighed approximately 106 pounds. Numerous services were offered to respondent Redman, including in-home services, but Jered continued to gain weight and was removed from his mother's care in October 2001. At that time, Jered weighed approximately 120 pounds. The foster care workers elaborated that when Jered was brought into care, he had trouble walking because of his weight, used a wheelchair frequently, had head lice, was dirty, his diaper had not been changed recently and there was dried feces from his mid-thigh up onto his back. The foster parents discovered that Jered had scabies, ear infections, and an infection around his penis apparently from improper cleaning. In addition, Jered had ten cavities in his teeth, was not toilet trained, and his physical and verbal skills were delayed. Medical reasons for Jered's weight had been ruled out, and while in foster care Jered lost over sixty pounds. Jered remained in foster care and, eventually, a petition seeking termination of parental rights was filed in January 2003. Shortly after the petition was filed, Tessa was born. Tessa was removed from respondent Redman's care as a

newborn infant and never lived with respondent Redman. The termination hearing regarding Jered was held in March 2003. After the trial court terminated all parental rights to Jered, a supplemental petition was filed seeking termination of respondent Redman's parental rights to Tesha, which was later granted.<sup>1</sup>

In Docket No. 247661, with respect to respondent Ostrander, we find that the trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). During the sixteen months that Jered remained in foster care, respondent Ostrander never sought custody of the boy, and instead relied upon Jered being returned to respondent Redman, Jered lost seventy pounds in foster care. Respondent Ostrander did not complete any services under the treatment plan and never paid child support for Jered. Further, despite an apparent bond between respondent Ostrander and Jered, considering his lack of interest in gaining custody, the evidence did not show that termination of respondent Ostrander's parental rights was clearly not in the best interests of the child. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

With respect to respondent Redman's appeal regarding Jered, we find that the trial court did not clearly err in finding that the statutory grounds were established by clear and convincing evidence. MCR 3.977(J); *Sours*, *supra* at 633; *Miller*, *supra* at 337. Although respondent Redman completed many services under the treatment plan, she only admitted responsibility in overfeeding Jered at the time of the termination hearing. Moreover, her therapist testified that respondent Redman had not truly accepted responsibility for Jered's obesity, but instead was merely saying what others wanted to hear in order to regain custody of Jered. In addition, respondent Redman had fed Jered fast food during parenting time on two occasions after completing nutritional education and failed to attend occupational therapy appointments for Jered because she forgot to do so. Further, the evidence did not show that termination of respondent Redman's parental rights was clearly not in the best interests of Jered. MCL 712A.19b(5); *Trejo*, *supra* at 356-357. The trial court, after viewing videotapes of respondent Redman's visits with Jered, discredited the testimony of respondent Redman's expert witness regarding the bond between respondent Redman and Jered and found instead that the evidence established she and Jered had a "stiff relationship." We defer to the trial court's special opportunity to assess the credibility of the witnesses. MCR 2.613(C); *Miller*, *supra* at 337.

With respect to respondent Redman's appeal regarding Tesha, we find the trial court did not clearly err in finding that § 19b(3)(l) was established by clear and convincing evidence. MCR 5.974(I); *Sours*, *supra* at 633; *Miller*, *supra* at 337. It is undisputed that respondent Redman's parental rights to Jered were previously terminated, and nothing more is required to prove this statutory ground. Moreover, the evidence did not show that termination of respondent Redman's parental rights was clearly not in the best interests of Tesha. MCL 712A.19b(5); *Trejo*, *supra* at 356-357.

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<sup>1</sup> The trial court also terminated the parental rights of Tesha's father, but he has not appealed that decision and is not a party to this appeal.

Affirmed.

/s/ Kathleen Jansen

/s/ Jane E. Markey

/s/ Hilda R. Gage